

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PREVENT U.S.A. CORPORATION,

Plaintiff,

v.

VOLKSWAGEN AG; VOLKSWAGEN
GROUP OF AMERICA,
INCORPORATED,

Defendants.

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Case No. 2:22-CV-00506-JRG-RSP

ORDER

Volkswagen previously filed a Renewed Motion to Dismiss (Dkt. No. 82.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 125), recommending grant of Volkswagen's Motion to Dismiss. Prevent has now filed Objections (Dkt. No. 126).

After conducting a *de novo* review of the briefing on the Motion to Dismiss, the Report and Recommendation, and the briefing on Prevent's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Prevent's Objections and **ADOPTS** the Report and Recommendation and orders that the Renewed Motion to Dismiss (Dkt. No. 82) is **GRANTED**.


Accordingly, all claims and causes of action asserted between Plaintiff and Defendants in the above-captioned case are **DISMISSED WITHOUT PREJUDICE** based on *forum non conveniens*.¹

¹ This dismissal is without prejudice to the underlying merits, although it is preclusive as to the defense of *forum non conveniens*. See *Baris v. Sulpicio Lines, Inc.*, 74 F.3d 567, 572 (5th Cir. 1996) (affirmed *en banc* by an equally divided court, 101 F.3d 367). 9 Wright & Miller, Federal Practice and Procedure, § 2373, at 943-944; and § 4436, at 143-144.

Each party is to bear its own costs, expenses, and attorneys' fees. All pending requests for relief in the above-captioned case not explicitly granted herein are **DENIED AS MOOT**.

The Clerk of Court is directed to **CLOSE** the above-captioned case as no parties or claims remain.

So ORDERED and SIGNED this 10th day of July, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE